

Scheindlin

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

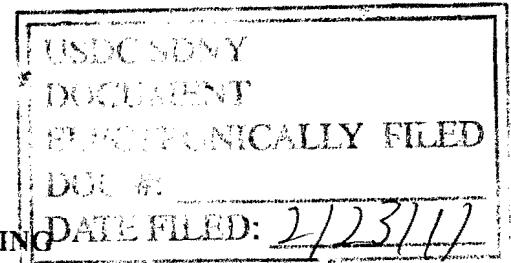
v.

COLLINS & AIKMAN CORPORATION, DAVID A.  
STOCKMAN, J. MICHAEL STEPP, GERALD E.  
JONES, DAVID R. COSGROVE, ELKIN B.  
MCCALLUM, PAUL C. BARNABA, JOHN G.  
GALANTE, CHRISTOPHER M. WILLIAMS, and  
THOMAS V. GOUGHERTY,

Defendants.

Civil Action No. 07-2419 (SAS)

Honorable Shira A. Scheindlin



**STIPULATION AND ORDER REGARDING  
RETENTION OF DISCOVERY MATERIALS**

Plaintiff Securities and Exchange Commission and Defendants David A. Stockman, J. Michael Stepp, David R. Cosgrove, Paul C. Barnaba, Elkin B. McCallum, John A. Galante, Christopher M. Williams, and Thomas V. Gougherty (collectively "Defendants")<sup>1</sup> stipulate as follows:

WHEREAS, Plaintiff and Defendants entered into a Stipulation and Protective Order Regarding Confidentiality of Discovery Materials, which was entered by the Court on September 22, 2009 ("Protective Order");

WHEREAS, paragraph 10 of the Protective Order states that "[w]ithin 60 days after the conclusion of this litigation, Confidential Information and all copies of the same (other than full

<sup>1</sup> Counsel for Defendant Gerald E. Jones has not entered an appearance at this action and is no longer at his previous law firm. The parties have been unable to reach Mr. Jones or his counsel.

copies of all papers filed or submitted to the Court) shall be returned to the Producing Entity or, at the option of the Producing Entity, destroyed";

WHEREAS, a Final Judgment in the above-captioned action was entered by the Court against Mr. Stockman, Mr. Stepp, Mr. Cosgrove, Mr. Barnaba, and Mr. McCallum on April 20, 2010;

WHEREAS, certain Defendants in this litigation are also defendants in two other pending actions in which the allegations are closely related to the allegations in this litigation, namely *Collins & Aikman Corp., et al. v. Stockman, et al.*, No. 07-00265 (D. Del.), and *Aurelius Capital Master, Ltd, et al. v. Stockman, et al.*, Index No. 08/601483 (NY Sup. Ct.) (the "Other Pending Litigation");

WHEREAS, Mr. Stockman and Mr. Stepp received a request for documents from plaintiffs in *Aurelius Capital Master, Ltd, et al. v. Stockman, et al.*, Index No. 08/601483 (NY Sup. Ct.) that called for certain documents subject to the Protective Order;

WHEREAS, certain documents subject to the Protective Order may be relevant to the Other Pending Litigation; and

WHEREAS, Producing Entities will not be prejudiced by the continued retention of such documents by Defendants because the Confidential Information will continue to be subject to the other terms of the Protective Order;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel for Plaintiff and Defendants, subject to the Court's approval, that the requirements of paragraph 10 of the Protective Order are hereby stayed until 60 days after the conclusion of the Other Pending Litigation or any other such litigation which might be brought in which Defendants would have an obligation to retain documents subject to the Protective

Order, such conclusion of litigation being defined as 30 days after the expiration of the time to appeal or challenge any final judgment, settlement or consent decree in those actions.

Dated: February \_\_, 2011

**STIPULATED AND AGREED:**

  
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*Counsel for Defendant Stockman*

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*Counsel for Defendant McCallum*

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Dated: February 4, 2011

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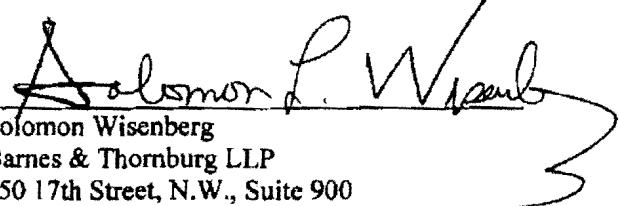
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Dated: February 10, 2011

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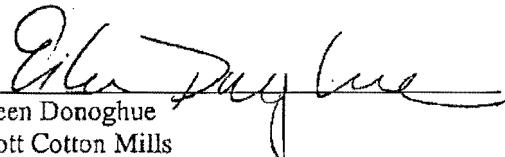
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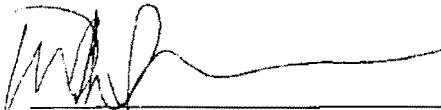
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IT IS SO ORDERED in accordance with the foregoing stipulation.

Date: \_\_\_\_\_

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Hon. Shira Scheindlin  
United States District Court

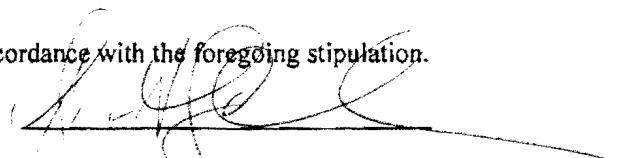
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IT IS SO ORDERED in accordance with the foregoing stipulation.

Date: 2/23/11

  
Hon. Shira Scheindlin

United States District Court